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November 25, 2020

By ECF/Email

Honorable Katherine Polk Failla
United States District Judge
Southern District of New York
40 Foley Square
New York, New York 10007

MEMO ENDORSED

Re: United States v. Justin Nettles, 20 Cr. 509 (KPF)

Honorable Judge Failla:

Over the government's objection (ECF No. 16), I write to respectfully request that the Court permit Mr. Nettles' change-of-plea proceeding to proceed via videoconference on December 2, 2020.

As an initial matter, Mr. Nettles wishes to avail himself of the proposed government's plea agreement. As the government is aware, since his arrest, Mr. Nettles has expressed a desire to move forward with a pretrial resolution of his case. Indeed, as corroborated by the discovery, he accepted responsibility in a post-arrest interrogation. And the only recent delay in seeking a written plea agreement from the government was undersigned counsel's desire for Mr. Nettles to review his discovery so that we could have an informed discussion regarding any potential motions.

Mr. Nettles has reviewed the discovery and wishes to forego any potential motion practice, including motion practice related to his indictment by a White Plains grand jury, in order to plead guilty quickly. But he should not be forced to choose between his desire to resolve his case and risking added exposure to Covid-19 while in transit to court, and during any court appearance, or additional periods of quarantine at the MCC following such an appearance. Indeed both he and the public have an interest in a speedy resolution (whether via plea or pretrial disposition) of the case, and it would do "serious harm" to those interests if Mr. Nettles has to wait until the risk of Covid-19 subsides enough such that in-court appearances are substantially safe again. The conditions at MCC are very difficult and potentially much worse than designated facilities, so Mr. Nettles is anxious to resolve his case and looks forward to being transferred to a designated facility following his sentencing.

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In light of the exponential rate at which Covid-19 is spreading nationwide, it may be several months before Mr. Nettles can safely appear and not risk a lengthy quarantine upon return to the jail. Under these circumstances, and with Mr. Nettles' consent, the Court has authority to conduct his plea proceeding via videoconference pursuant to the CARES Act.

Respectfully submitted,

/s/ Annalisa Mirón
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CC: Assistant U.S. Attorney Kevin Mead

The Court is in receipt of the parties' letters regarding the propriety of conducting the upcoming change of plea conference by videoconference. (Dkt. #18, 20). Given the dangers posed by the COVID-19 pandemic, Defendant's request to conduct the December 2, 2020 change of plea conference remotely, by videoconference, is GRANTED. The Court will explain its findings on this matter in greater detail at the conference. Information for accessing the conference will be provided in advance of the conference.

Dated: November 29, 2020
New York, New York

SO ORDERED.



HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE